



## PATENT

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

In re the application of

Soshalsky et al.

Application No: 10/039,197

Filed: January 4, 2002

For: APPLICATION LAUNCHER  
TESTING FRAMEWORK

) Examiner: Yigdall, Michael J  
 )  
 ) Art Unit: 2192  
 )  
 ) Atty. Docket No: SUNMP019  
 )  
 )  
 )

DECLARATION UNDER 37 CFR § 1.131

Assistant Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

We, Kirill O. Soshalsky and Dmitry A. Fazunenko, declare as follows:

1. At all times relevant herein we were employed by Sun Microsystems, Inc (hereinafter, "Sun") and are over the age of 18 years and submit this declaration in support of a response to an outstanding office action in the above-identified patent application that we are informed and believe will be filed herewith.

2. We are co-inventors of the invention defined by the claims recited in the patent application identified in paragraph 1 that we conceived before October 18, 2001, in a country that is a member of the World Trade Organization, by conceiving of the idea of providing a framework for application launcher testing to obtain information from the test application, from the http server that provide resources to the application launcher as claimed in the instant application as set forth in a copy of an invention disclosure attached hereto as EXHIBIT 1.

3. As indicated in EXHIBIT 1, alpha testing, beta testing and completion of the testing of the claimed invention was performed prior to October 18, 2001.

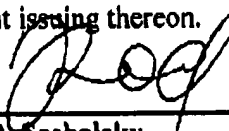
4. On or about May 23, 2001, EXHIBIT 1 was transmitted to Martine Penilla & Kim, LLP to prepare the patent application for the above referenced matter.

EXHIBIT 1

5. On or about January 4, 2002, the reference application was filed at the United States Patent and Trademark Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 7/20/07

  
\_\_\_\_\_  
Kirill O. Soshalsky

Date \_\_\_\_\_

\_\_\_\_\_  
Dmitry A. Fazunenko

EXHIBIT 1

**PATENT****IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

In re the application of )  
Soshalsky et al. ) Examiner: Yigdal, Michael J  
Application No: 10/039,197 ) Art Unit: 2192  
Filed: January 4, 2002 ) Atty. Docket No: SUNMP019  
For: APPLICATION LAUNCHER )  
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1. At all times relevant herein we were employed by Sun Microsystems, Inc (hereinafter, "Sun") and are over the age of 18 years and submit this declaration in support of a response to an outstanding office action in the above-identified patent application that we are informed and believe will be filed herewith.
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3. As indicated in EXHIBIT 1, alpha testing, beta testing and completion of the testing of the claimed invention was performed prior to October 18, 2001.
4. On or about May 23, 2001, EXHIBIT 1 was transmitted to Martine Penilla & Kim, LLP to prepare the patent application for the above referenced matter.
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EXHIBIT 1

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Date \_\_\_\_\_

\_\_\_\_\_  
Kirill O. Soshalsky

Date 07/22/2007

  
Dmitry A. Fazunenko

EXHIBIT 1



**Intellectual  
Property  
Counsel**

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(408) 749-6900 ext. 6920

September 4, 2001

*Via Federal Express-  
Return Federal Express Airbill Enclosed*

Mr. Kirill O. Soshalsky  
Sun Microsystems, Inc.  
901 San Antonio Rd., UCUP01-309  
Palo Alto, CA 94304

Re: Patent Application Entitled: APPLICATION LAUNCHER TESTING FRAMEWORK  
Our File: SUNMP019  
Your File: P6500

Dear Kirill:

Enclosed for your review is a draft of the above-identified patent application together with informal versions of our proposed drawings. Please review the application to ensure that:

- (1) it is accurate and complete in its descriptions;
- (2) it sets forth sufficient detail to enable those skilled in the art to make and use the invention;
- (3) it discloses the best known mode of practicing the invention (i.e., the preferred way of making and using the invention).

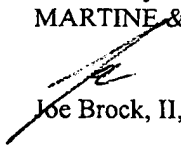
To the extent possible, please make any changes to the specification on this draft as you would like them to appear in the finalized application. Then when you have finished reviewing the application, please return the marked-up version of the draft to our office in the Federal Express Envelope provided. After we have received your comments and made any appropriate revisions, we will prepare the final application, which will be forwarded for your review, together with the formal papers that you will need to execute.

So that we do not overlook any important issues, we have included a guide to reviewing the application. Please be sure to consider each of the questions in this guide, and if you detect any problems please bring them to our attention

As you are aware, we have a duty to disclose the most pertinent prior art of which you are aware to the Patent Office. If you can think of any pertinent references or patents, or simply any similar existing technology, please let us know, so that we can include a discussion of them with an Information Disclosure Statement. Additionally, please remember that the duty to disclose pertinent prior art continues until the patent actually issues. Therefore, if you become aware of other prior art designs in the future, please let us know.

If you have any questions or comments, please let me know.

Yours very truly,  
MARTINE & PENILLA, LLP

  
Joe Brock, II, Esq.

JAB:njw  
Enclosures

Patent application draft  
Guide to Review of Your Application  
Inventorship Guide  
Return Federal Express airbill and envelope

**EXHIBIT 2**



**Intellectual  
Property  
Counsel**

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(408) 749-6900 extension 6920

*Via Federal Express-Return Federal Express Airbill Enclosed*

November 2, 2001

Mr. Kirill O. Soshalsky  
Sun Microsystems, Inc.  
901 San Antonio Rd., UCUP01-309  
Palo Alto, CA 94304

Re: Patent Application Entitled: APPLICATION LAUNCHER TESTING FRAMEWORK  
Our File: SUNMP019  
Your File: P6500

Dear Kirill:

Enclosed for your review is the final version of the above-identified patent application together with our proposed drawings and the formal papers. Please review the application to ensure that:

1. it is accurate and complete in its descriptions and sets forth sufficient detail to enable those skilled in the art to make and use the invention; and
2. it sets forth sufficient detail to enable those skilled in the art to make and use the invention; and
3. it discloses the best-known mode of practicing the invention (i.e., the preferred way of making and using the invention).

To assist you in your final review of the application and execution of the enclosed formal papers, we have enclosed instructions for final review and document execution. Please assist us in the execution of the enclosed formal documents by insuring their execution by each inventor. Once the documents are signed and dated, *preferably in blue ink*, by each inventor, please forward them to our office for filing in the U.S. Patent and Trademark Office (PTO) concurrent with the filing of the application. For your convenience, we have enclosed a return Federal Express airbill for this purpose. To the extent possible, please follow these instructions closely so that we can file this application in the PTO at an early date.

EXHIBIT 3

November 2, 2001  
Mr. Kirill Soshalsky  
SUNMP019/ P6500  
Page 2 of 2

As you know, we have a duty to disclose the most pertinent prior art of which you are aware to the PTO. If you know of any pertinent publications, e.g., articles and patents, or similar existing technology, then please let us know so that we can disclose such information to the PTO in an Information Disclosure Statement. Additionally, please remember that the duty to disclose pertinent prior art continues until the patent actually issues. Therefore, if you become aware of other pertinent prior art in the future, then please bring such information to our attention.

We thank you in advance for all of your assistance in the execution of the formal documents. We look forward to hearing from you in the near future.

Best regards,  
MARTINE & PENILLA, LLP



Joe Brock, II, Esq.

JABII:njw  
Enclosures:

Copy of application and drawings  
Declaration  
Assignment  
Guide to Final Review of the Application and Execution of Formal Papers  
Return Federal Express airbill and envelope

EXHIBIT 3